

INTELLECTUAL PROPERTY LAW

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September 22, 2006

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Utility Patent Application Transmittal  
U.S. Patent Application Ser. No. (not assigned)  
National Phase of PCT/EP2005/003166  
Inventors: Sick et al.  
Title: *Tamping Device*  
Assignee: Wacker Construction Equipment AG  
Customer Account No.: 23598  
Our Ref: 72.112

Dear Sir:

Enclosed in connection with the above-identified national phase patent application are:

- the national phase application, consisting of:
  - 13 pages of specification,
  - 18 claims on 3 sheets, and
  - 7 Drawings on 5 sheets;
- Application Data Sheet;
- a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;
- a Preliminary Amendment (1) entering amendments made to the international application under Article 34, (2) submitting a substitute specification in which the application is amended to incorporate the amendments made under Article 34 and to insert the required headings, (3) amending the claims without narrowing the claims and without adding new matter, (4) eliminating multiple dependencies and otherwise placing the claims into conformance with preferred USPTO practice, and (5) adding an Abstract. Please enter the Preliminary Amendment before determining the filing fees; and

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- an Information Disclosure Statement (IDS), Form PTO-1449, and a copy of the cited documents.

**Documents to Follow:**

- an executed Declaration; and
- an Appointment of Domestic Representative.

**Applicant(s):**

<u>Name</u>	<u>Residence</u>	<u>Citizenship</u>
Georg Sick	Feldafing, Germany	Germany
Oliver Kolmar	Neubiberg, Germany	Germany
Otto W. Stenzel	Neuhütten/Wüstenrot, Germany	Germany
Andreas Bartl	Wörth, Germany	Germany

**Assignment for Published Application:**

Wacker Construction Equipment AG

**Power of Attorney:**

Those attorneys associated with Customer Account No. **23598**.

**Small Entity Statement:**

Not applicable.

**Domestic Priority data as claimed by applicant:**

This application is a 371 of **PCT/EP2005/003166**; filed **24 March 2005** (24.03.2005).

**Foreign Application(s):**

German Appl. Ser. No. **10 2004 014 750.7**; filed **25 March 2004 (25.03.2004)**

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**Non-Publication Request:**

Not applicable.

**Deposit Account Authorization**

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,

  
Timothy E. Newholm  
Registration No. 34,400

Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 72.112
INTERNATIONAL APPLICATION NO. PCT/EP2005/003166	INTERNATIONAL FILING DATE 24 March 2005	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
TITLE OF INVENTION <i>Tamping Device</i>		
APPLICANT(S) FOR DO/EO/US Sick et al.		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input checked="" type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <b>(Appendix C)</b></li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input checked="" type="checkbox"/> A substitute specification. <b>(Appendix A – clean version; Appendix B – marked up version)</b></li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491–1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2005/003166		ATTORNEY'S DOCKET NUMBER 72.112	
20. Other items or information: Appointment of Domestic Representative					
The following fees have been submitted 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300 If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200				CALCULATIONS	PTO USE ONLY
				\$ 300	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500				\$ 200	
				\$ 200	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500				\$ 400	
				\$ 400	
<b>TOTAL OF 21, 22 and 23 =</b> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing IN COMPLIANCE WITH 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$ 900	
				\$ 900	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
14 -100 =	0 /50 =	0	x \$250	\$ 0	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of the commencement of the national stage (37 CFR 1.492(h)).				\$ 0	
<b>CLAIMS</b> Total claims 20 - 20 = 0 X \$50 Independent claims 2 - 3 = 0 X \$200 MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360				\$ 0	
<b>TOTAL OF ABOVE CALCULATIONS =</b> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$ 900	
				\$ 900	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +				\$ 0	
<b>TOTAL NATIONAL FEE =</b> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0	
<b>TOTAL FEES ENCLOSED =</b> <input type="checkbox"/> Amount to be refunded: <input type="checkbox"/> Amount to be charged:				\$ 900	
				\$ 900	

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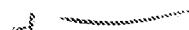
- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 50-1170 in the amount of \$ 900 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1170. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

BOYLE FREDRICKSON NEWHOLM STEIN  
& GRATZ SC

250 E. Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202



SIGNATURE:

Timothy E. Newholm  
NAME

34400  
REGISTRATION NUMBER